

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

KIMBERLY BOWERS, individually and  
as natural parent and next friend  
of MARK BOWERS, a juvenile, and  
KEVIN BOWERS, JR.,

Plaintiffs,

v.

Civil Action No. 5:07CV1  
(STAMP)

ERIC POPISH, individually and in  
his capacity as agent and employee  
of the CITY OF WEIRTON,  
a West Virginia municipal corporation,

Defendants.

**ORDER GRANTING PLAINTIFFS' MOTION FOR LEAVE TO  
FILE OUT OF TIME THEIR REPLY BRIEF TO DEFENDANT  
POPISH'S RESPONSE IN OPPOSITION TO PLAINTIFFS'  
MOTION TO DISMISS DEFENDANT POPISH'S COUNTERCLAIM**

The plaintiffs brought the above-styled civil action on January 3, 2007. Defendant Eric Popish ("Popish") then filed a counterclaim. On April 5, 2007, the plaintiffs filed a motion to dismiss Popish's counterclaim, to which Popish timely responded. The plaintiffs' reply to Popish's response was due by April 24, 2007. After the filing date for the plaintiffs' reply had passed, the plaintiffs sought leave to file their reply out of time. According to the plaintiffs, their failure to file timely resulted from their counsel's unfamiliarity with the Local Rules of Civil Procedure in this Court.

This Court finds that the plaintiffs have shown good cause for their failure to file a timely reply to Popish's response in opposition to the plaintiffs' motion to dismiss Popish's

counterclaim. Accordingly, the plaintiffs' motion for leave to file out of time their reply to Popish's response in opposition to the plaintiffs' motion to dismiss Popish's counterclaim is hereby GRANTED. The plaintiffs' reply brief shall be filed on or before **February 7, 2008.**

IT IS SO ORDERED.

The Clerk is directed to transmit a copy of this order to counsel of record herein.

DATED: January 31, 2008

/s/ Frederick P. Stamp, Jr.  
FREDERICK P. STAMP, JR.  
UNITED STATES DISTRICT JUDGE